
PART THREE — TRAFFIC CODE

ARTICLE 309 Right of Way

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CROSS REFERENCES

See sectional histories for similar State law.

Authority to designate through streets and stop intersections—see WV Code 17C-2-8(a)(6), 17C-12-5

309.01 Right of way at intersections.

- (a) The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street or highway.
- (b) When two vehicles enter an intersection from a different street or highway at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.
- (c) The right-of-way rules declared in subsections (a) and (b) hereof are modified at through streets or highways and otherwise as hereinafter stated in this article. (WV Code 17C-9-1. Ord. 2013-01, passed 02-11-2013.)^[309.01]

309.02 Right of way when turning left.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver, having so yielded and having given a signal when and as required by this Traffic Code may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicles making the left turn. (WV Code 17C-9-2. Ord. 2013-01, passed 02-11-2013.)^[309.02]

309.03 Right of way at through street or highway or stop intersections.

- (a) The driver of a vehicle shall stop as required by Section 310.05 at the entrance to a through street or highway and shall yield the right of way to other vehicles which have entered the intersection from such through streets or highways or which are approaching so closely on such through street or highway as to constitute an immediate hazard but the driver having so yielded may proceed.
- (b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through street or highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. (WV Code 17C-9-3. Ord. 2013-01, passed 02-11-2013.)^[309.03]

FOOTNOTES:

- 309.01 This section was previously codified as 341.01.
- 309.02 This section was previously codified as 341.02.

PART THREE — TRAFFIC CODE

309.04 Driving onto roadway from private road or driveway; duty to yield.

The driver of a vehicle about to enter or cross a street or highway from a private road or driveway shall yield the right of way to all vehicles approaching on the street or highway. (WV Code 17C-9-4. Ord. 2013-01, passed 02-11-2013.) ^[309.04]

309.05 Right of way of emergency vehicle.

- (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one flashing lighted lamp of a color authorized by Section 311.18, which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (WV Code 17C-9-5. Ord. 2013-01, passed 02-11-2013.) ^[309.05]

309.06 Turning into private driveway, alley or building.

The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway shall be governed by the following rules:

- (a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
- (c) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.
- (d) It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway, private road or driveway or building. (Ord. 2013-01, passed 02-11-2013.) ^[309.06]

309.99 Penalty.

Whoever violates any provision of this article shall be fined not more than two hundred dollars (\$200.00); upon a second conviction within one year thereafter, shall be fined not more than three hundred dollars (\$300.00); and upon a third or subsequent conviction, shall be fined not more than one thousand dollars (\$1,000). (WV Code 17C-9-6. Ord. 2013-01, passed 02-11-2013.)

FOOTNOTES:

- 309.03 This section was previously codified as 341.03.
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